

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF PENNSYLVANIA  
(ERIE)

ORIGINAL

TANIELLE SHURNEY,  
Plaintiff

VS.

SCOTT ENTERPRISES INCORPORATED  
T/D/B/A ECONO LODGE/SPLASH LAGOON

SEAN PIERCE, INDIVIDUALLY AND IN  
HIS CAPACITY AS A TROOPER OF THE  
PENNSYLVANIA STATE POLICE

JOHN DOE, INDIVIDUALLY AND IN HIS  
CAPACITY AS THE SUPERVISOR OF  
TROOPER SEAN PIERCE OF THE  
PENNSYLVANIA STATE POLICE,  
Defendants

NO. CA 05-196 Erie

July Trial Requested *Reva*

**COMPLAINT**

**I. STATEMENT OF THE CASE**

This Complaint seeks injunctive relief and damages for emotional distress, defamation, humiliation, lost wages, pain and suffering, punitive damages, attorney's fees and costs from the Defendants for their respective roles in causing the Plaintiff to be subject to a warrantless felony arrest and subsequent incarceration when there was an insufficient basis to effectuate the arrest and the charges were dismissed by a court of competent jurisdiction for lack of probable cause, a copy of the criminal complaint and case dismissal is attached hereto as Plaintiff's Exhibit 1.

## II. JURISDICTION

The Plaintiff is a citizen of the State of Ohio and the Defendants are residents of the Commonwealth of Pennsylvania. The matter in controversy exceeds, exclusive of interest and costs, the sum specified by 28 U.S.C. §1332.

This action arises under the Fourth Amendment to the Constitution of the United States and 42 U.S.C. 1983, 1988, et seq. which was enacted pursuant to Section 5 of the Fourteenth Amendment. The jurisdictional counterpart of §1983 is 28 U.S.C. §1343(3).

## III. PARTIES

1. The Plaintiff, Tanielle Shurney, is an African-American adult individual who resides at 13411 6<sup>th</sup> Avenue, East Cleveland, Ohio 44112.

2. Defendant, Scott Enterprises, t/d/b/a Econolodge and the Splash Lagoon, is located at 8040 Peach Street, Erie, Pennsylvania 16509.

3. Defendant, Sean Pierce, is a trooper for the Pennsylvania State Police, 4320 Iroquois Avenue, Erie, Pennsylvania 16511.

4. Trooper "John Doe" was the supervisor of Defendant Pierce at the Pennsylvania State Police Station, 4320 Iroquois Avenue, Erie, Pennsylvania 16511.

## IV. FACTUAL BASIS

5. On July 3, 2004, the Plaintiff, accompanied by a second adult, the Plaintiff's child and two other minor children registered at the Econolodge/Splash Lagoon. A copy of the registration is attached as Plaintiff's Exhibit 2.

6. After registering, the Plaintiff returned to her vehicle to obtain the other persons and their luggage when she was subject to a warrantless felony arrest by Defendant Pierce who at the time was supervised by Trooper Defendant John Doe.

7. Defendant Scott Enterprises, t/d/b/a Econolodge/Splash Lagoon requested and/or instigated the arrest of the Plaintiff.

8. Defendant Scott Enterprises ratified the warrantless arrest of the Plaintiff by aiding in the investigation, arrest and prosecution of the Plaintiff.

9. Employees of Defendant Scott Enterprises acted within the scope of their employment when they aided the Defendant State Trooper in the investigation, arrest and prosecution of the Plaintiff.

10. The employees of Defendant Scott Enterprises, in aiding in the investigation, arrest and prosecution of the Plaintiff, did so to protect the property interests of the Defendant Scott Enterprises.

11. Defendant Scott Enterprises has a policy of pursuing the warrantless arrest of individuals who register at their hotels when the reservation was secured via telephone utilizing purportedly stolen credit card information.

12. On October 2, 2004, two months after the Plaintiff's identical charges were dismissed, the same court of competent jurisdiction dismissed the case of Commonwealth v. "E.M.", who is also an African-American woman from Ohio.

13. "E.M." was arrested by a Trooper from the same state police barracks which caused the Plaintiff's arrest.

14. Employees of Defendant Scott Enterprises aided in the investigation, arrest and prosecution of "E.M."

15. Since the dismissal of the Plaintiff's charges did nothing to change the policy of the Defendant Troopers and Defendant Scott Enterprises of effectuating warrantless arrests of African-Americans who attempted to register at the hotels, injunction relief is required.

16. The Plaintiff was arraigned on July 3, 2004 and remanded to the Erie County Prison until July 9, 2004 when she was released upon payment of \$1,000.00 to a bail bondsman.

17. As a result of her arrest and incarceration, the Plaintiff and her minor child are subject to emotional distress, humiliation, lost wages, pain and suffering and defamation.

18. The actions of all of the Defendants reflect, at minimum, a reckless and callous indifference to the Plaintiff's federally protected rights.

19. The Defendant's continuation of a policy of warrantless arrests of African-Americans magnifies the reckless and callous indifference exhibited in the Plaintiff's arrest.

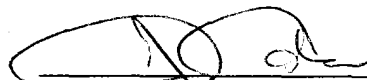
20. The Plaintiff exhausted all reasonable means of deterring this policy by directly contacting, via certified mail, Defendant Scott Enterprises but to no avail.

WHEREFORE, the Plaintiff prays that:

1. The Defendants be enjoined from securing the warrantless arrest of African-Americans who register at the Defendant's hotels;

2. Provide the Plaintiff with compensatory damages as reflected above;
3. Award punitive damages;
4. Award reasonable attorney's fees, costs and expenses.

Respectfully submitted,



A. J. Adams  
Attorney for Plaintiff  
602 West 9<sup>th</sup> Street  
Erie, PA 16502  
(814) 456-3681

# 34345

COMMONWEALTH OF PENNSYLVANIA	
COUNTY OF:	ERIE



# POLICE CRIMINAL COMPLAINT

Magisterial District Number: 08-3-05  
 District Justice Name: Hon. James J. DWYER  
 Address: 8900 Old French Rd  
 Erie, PA 16509

COMMONWEALTH OF PENNSYLVANIA

VS.

DEFENDANT:

Tanielle L. SHURNEY  
 12626 Brackland Up  
 Cleveland, OH 44108

13411 6th Ave  
 East Cleveland Oh.

44112

Telephone:	
Docket No:	
Date Filed:	
OTN:	L199405-3

Defendant's Race/Ethnicity <input type="checkbox"/> White <input checked="" type="checkbox"/> Black <input type="checkbox"/> Asian <input type="checkbox"/> Native American <input type="checkbox"/> Hispanic <input type="checkbox"/> Unknown	Defendant's Sex <input checked="" type="checkbox"/> Female <input type="checkbox"/> Male	Defendant's D. O. B. 04/12/1972	Defendant's Social Security Number 227-72-6839	Defendant's SID (State Identification Number)
Defendant's A.K.A. (also known as)	Defendant's Vehicle Information Plate Number State Registration Sticker (MMYY)		Defendant's Driver's License Number State OH RP839298	
Complaint/Incident Number E01-1097681	LiveScan Tracking Number	Complaint/Incident Number if other Participants		UCR/NIBRS Code

Office of the Attorney for the Commonwealth ☐ Approved ☐ Disapproved because:  
 (The attorney for the Commonwealth may require that the complaint, arrest warrant affidavit, or both be approved by the attorney for the Commonwealth prior to filing. Pa.R.Crim.P.507.)

(Name of Attorney for Commonwealth)

(Signature of Attorney for Commonwealth)

(Date)

I, TPR SEAN PIERCE

08961/00543369

of the Pennsylvania State Police, Troop E - Erie Station

2500  
 (Patrol Agency or ORI Number)

E01-1097681  
 (Originating Agency Case Number (OCA))

do hereby state: (check appropriate box)

1. ☒ I accuse the above named defendant who lives at the address set forth above  
☐ I accuse the defendant whose name is unknown to me but who is described as  
☐ I accuse the defendant whose name and popular designation or nickname is unknown to me and whom I have therefore designated as John Doe

with violating the penal laws of the Commonwealth of Pennsylvania at  
8050 Peach St. Erie, PA 16509 Summit Twp.  
 (Place-Political Subdivision)

in ERIE County on or about 07/03/04 at 1357hrs

Participants were: (if there were participants, place their names here, repeating the name of the above defendant)  
Tanielle L SHURNEY

☒ Lab user fee applies  
 AOPC-4125PA (7/3/2003)

**POLICE  
CRIMINAL COMPLAINT**



Defendant's Name: Tanielle L SHURNEY  
Docket Number:

2. The acts committed by the accused were:

CC 3922(a)(1) Theft by Deception, M1,

IN THAT, on or about said date, THE DEFENDANT intentionally obtained or withheld property, namely, deprived the hotel of \$198.79 for cost of room, belonging to Econo Lodge, by creating or reinforcing a false impression, namely using a stolen credit card to cover the purchase price of the hotel room, in violation of Section 3922(a)(1) of the PA Crimes Code.

CC 4106(a)(1)(ii) Access Device Fraud, M1,

IN THAT, or about said date, THE DEFENDANT did use an access device to obtain or attempt to obtain accommodations at the Econo Lodge located at 8050 Peach St. Erie, PA 16509, with knowledge that the access device was issued to another person, namely, Tonya Y TRAYLOR of 10039 Delores, Streetsboro OH, who did not authorize its use, in violation of Section 4106(a)(1)(ii) of the PA Crimes Code.

**AFFIDAVIT OF PROBABLE CAUSE**

The accused did try to use a stolen credit card, MasterCard account# 5449270911030937 to gain accommodations at the Econo Lodge located at 8050 Peach St Erie, PA 16509. The accused then went to the Econo Lodge on 07/03/04, and signed for the room under the name SHURNEY, Tanielle attempting to pay for the room by using a credit card that did not belong to her.

all of which were against the peace and dignity of the Commonwealth of Pennsylvania and contrary to the Act of Assembly, or in violation of

1. 3922(a)(1) of the Title 18, PA Crimes Code 1 M1  
Section(SubSection) (PA Statute) (counts) (grade)
2. 4106(a)(1)(ii) of the Title 18, PA Crimes Code 1 M1  
Section(SubSection) (PA Statute) (counts) (grade)
3. \_\_\_\_\_ of the \_\_\_\_\_  
Section(SubSection) (PA Statute) (counts) (grade)
4. \_\_\_\_\_ of the \_\_\_\_\_  
Section(SubSection) (PA Statute) (counts) (grade)

3. I ask that a warrant of arrest or a summons be issued and that the defendant be required to answer the charges I have made. (In order for a warrant of arrest to issue, the attached affidavit of probable cause must be completed and sworn to before the issuing authority.)

4. I verify that the facts set forth in the complaint are true and correct to the best of my knowledge or information and belief. This verification is made subject to the penalties of Section 4904 of the Crimes Code (18 Pa.C.S.§4904) relating to unsworn falsification to authorities.

July 3, 2004, PP [Signature] PERLE  
(Date) (Signature of Affiant)

AND NOW, on this date, 3 July, 04 I certify that the complaint has been properly completed and verified. An affidavit of probable cause must be completed in order for a warrant to issue.

06-3-02  
(Magisterial District)

[Signature]  
(Issuing Authority)

**SEAL**

1. Docket Number of Final Issuing Authority <b>CR-0000204-04</b>		2. Common Pleas Docket Number		3. State Identification Number <b>OTN L 199405-3</b>	
4. Final Issuing Authority/To be completed by Final Issuing Authority <b>JAMES J. DWYER, III</b>				5. Transferred from Initial Issuing Authority <b>FRANK ABATE, JR.</b>	
6. Name and Address (Last Name First) <b>SHURNEY, TANIELLE L. 13411 6TH AVE EAST CLEVELAND, OH 44112</b>				7. Date of Transfer <b>07 03 04</b>	
				8. Docket No. of Initial Issuing Authority <b>CR-0000082-04</b>	
9. Affiant Who Signed Complaint (Name and Address) <b>SEAN T. PIERCE PA STATE POLICE 4320 IROQUOIS AVENUE ERIE, PA 16514</b>					
10. Date of Birth <b>04 12 72</b>		11. Sex <b>F</b>		12. Operator License Number <b>RP839298</b>	
13. Date of Arrest <b>07 03 04</b>		14. State <b>OH</b>		15. ORI <b>PAPBP2500</b>	
16. Date Complaint Filed <b>07 03 04</b>		17. BGA <b>BP543369</b>		18. Badge Number/Officer I.D.	
19. Date of Release <b>07 03 04</b>		20. Summons Date Issued <b>07 03 04</b>		21. Warrant <b>07 03 04</b>	
22. Summons Returned <b>07 03 04</b>		23. Preliminary Arraignment <b>07 03 04</b>		24. Time <b>5:30P</b>	
25. Date Waived to Court <b>08 13 04</b>		26. Address of Preliminary Hearing/Summary Trial <b>8900 OLD FRENCH RD., ERIE, PA 16509</b>		27. Date Set For Preliminary Hearing <b>08 13 04</b>	
28. Description of Charges		29. Offense Date <b>07 03 04</b>		30. Section and Subsection <b>CC3922A1</b>	
A. <b>THEFT BY UNLAWFUL IMPRESSION</b>		31. Disposition <b>DIS</b>		32. Date Set For Preliminary Hearing <b>08 13 04</b>	
B. <b>ACCESS DEVICE USED TO ANOTHER WHO DID</b>		33. Disposition <b>DIS</b>		34. Date Set For Preliminary Hearing <b>07 12 04</b>	
35. Public Defender Requested by the Defendant? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		36. Application Provided for Appointment of Public Defender? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		37. In cases where so required, I the within named Issuing Authority, did make a reasonable effort to settle the difference between the Defendant and the Complainant on: MM DD YY	
38. Code/Defendant(s) Name		39. OTN		38. Code/Defendant(s) Name	
40. Enter 'C' for witness for Complainant. Enter 'D' for witness for Defendant		41. Witnesses Names and Addresses and Names and Addresses of persons (not more than 2), Defendant wishes to be Notified for trial		42. Sworn	
				43. Testified	
				44. Defense Persons to be notified	
45. Commonwealth					
46. Complainant					
47. Defendant <b>CLELLAND, KEITH H 246 W. TENTH ST., ERIE, PA 16501</b>					
48. Judgment of Sentence <b>BAL: \$ .00</b>					
49. I.D. No.					
50. Name and Address of Corporate Surety and Agent or Individual Surety-Preliminary Arraignment					
51. Bail at Preliminary Arraignment <b>**SEE CURRENT BAIL INFORMATION PAGE**</b>					
52. Name and Address of Corporate Surety and Agent or Individual Surety-Preliminary Hearing					
53. Current Bail/Bail at Preliminary Hearing <b>**SEE CURRENT BAIL INFORMATION PAGE**</b>					
54. Date Committed Date <b>07 03 04</b>					
55. Code <b>C</b>					
56. Place of Commitment <b>ERIE COUNTY PRISON</b>					
57. ERIE					

COPY: DISTRICT JUSTICE

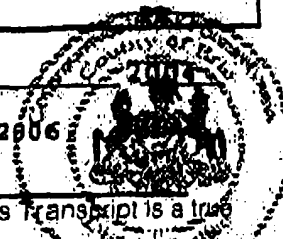
Certified this 13th day of August

My commission expires first Monday of January, 2006

I, the above named Issuing Authority certify that this Transcript is a true and correct Transcript of the Docket.



64. Date Transcript Sent to Court  
MM DD YY  
**08 13 04**





SHURNEY, TANIELLE

Room: 114

Arrive: 07/03/04

Account Number: 236872

Depart: 07/04/04

Adults: 2

Room Type: DD

Children: 3

Your rate(s) are as follows

From	To	Rate
7/3/04	7/3/04	89.00

Rate Acceptance: TS.

GTD/Payment: GM

Frequent Traveler ID:

Address:

E-Mail: \_\_\_\_\_

Guest ID: \_\_\_\_\_

License Plate: DA48438 State: OH

If payment is by credit card, you are authorized to charge my account for the total amount due. The undersigned guest acknowledges all charges are personal indebtedness.

"I have requested weekday delivery of the USA TODAY. If refused, a credit of \$.50 will be applied to my account."

I agree that my liability for this bill is not waived and agree to be held personally liable in the event that the indicated person, company, or association fails to pay the full amount of these charges.

Notes:

NEEDS 1 EXTRA PASS

SEE SANDY FOR PAYMENT METHOD.....SHE HAS ALL THE INFO

Guest Signature: Tanielle Shurney

Imprint Credit Card Below

JS 44 (Rev. 11/04)

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

## I. (a) PLAINTIFFS

Tanielle Sherry (ohio)

(b) County of Residence of First Listed Plaintiff Cuyahoga  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

A.J. Adams  
602 West 9th  
Eric, Pa 15564  
814-456-3681

## DEFENDANTS

Scott Enterprises Inc.  
Star Pierce  
John Doe

County of Residence of First Listed Defendant Eric  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

Michael Agostini - for Scott;  
Commenced at Pa. Attorney  
General; Counsel for Pa. State

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |                                         |                                                                          |                                                               |                                                               |
|-----------------------------------------|--------------------------------------------------------------------------|---------------------------------------------------------------|---------------------------------------------------------------|
| Citizen of This State                   | PTF <input type="checkbox"/> 1 DEF <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | PTF <input type="checkbox"/> 4 DEF <input type="checkbox"/> 4 |
| Citizen of Another State                | <input checked="" type="checkbox"/> 2 <input type="checkbox"/> 2         | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 <input type="checkbox"/> 5         |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 <input type="checkbox"/> 3                    | Foreign Nation                                                | <input type="checkbox"/> 6 <input type="checkbox"/> 6         |

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input checked="" type="checkbox"/> 449 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <b>Habeas Corpus:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

## V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 42 U.S.C. 1983 et seq.

## VI. CAUSE OF ACTION

Brief description of cause: Civil Rights Act

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

## VIII. RELATED CASE(S)

IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

6/22/05

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_

APPLYING IFP \_\_\_\_\_

JUDGE \_\_\_\_\_

MAG. JUDGE \_\_\_\_\_

JS 44A

REVISED OCTOBER, 1993

## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

## THIS CASE DESIGNATION SHEET MUST BE COMPLETED

## PART A

This case belongs on the (X) Erie Johnstown Pittsburgh calendar.

1. **ERIE CALENDAR** - If cause of action arose in the counties of Crawford, Elk, Erie, Forest, McKean, Venango or Warren, OR any plaintiff or defendant resides in one of said counties.
2. **JOHNSTOWN CALENDAR** - If cause of action arose in the counties of Bedford, Blair, Cambria, Clearfield or Somerset, OR any plaintiff or defendant resides in one of said counties.
3. Complete if on **ERIE CALENDAR**: I certify that the cause of action arose in \_\_\_\_\_ County and that the \_\_\_\_\_ resides in \_\_\_\_\_ County.
4. Complete if on **JOHNSTOWN CALENDAR**: I certify that the cause of action arose in \_\_\_\_\_ County and that the \_\_\_\_\_ resides in \_\_\_\_\_ County.

## PART B (You are to check ONE of the following)

1.        This case is related to Number \_\_\_\_\_, Judge \_\_\_\_\_
2. (X) This case is not related to a pending or terminated case.

## DEFINITIONS OF RELATED CASES:

**CIVIL:** Civil cases are deemed related when a case filed relates to property included in another suit, or involves the same issues of fact or it grows out of the same transactions as another suit, or involves the validity or infringement of a patent involved in another suit.

**EMINENT DOMAIN:** Cases in contiguous closely located groups and in common ownership groups which will lend themselves to consolidation for trial shall be deemed related.

**HABEAS CORPUS & CIVIL RIGHTS:** All habeas corpus petitions filed by the same individual shall be deemed related. All pro se Civil Rights actions by the same individual shall be deemed related.

## PART C

1. **CIVIL CATEGORY** (Place x in only applicable category).

1. ( ) Antitrust and Securities Act Cases
2. ( ) Labor-Management Relations
3. ( ) Habeas Corpus
4. (X) Civil Rights
5. ( ) Patent, Copyright, and Trademark
6. ( ) Eminent Domain
7. ( ) All other federal question cases
8. ( ) All personal and property damage tort cases, including maritime, FELA, Jones Act, Motor vehicle, products liability, assault, defamation, malicious prosecution, and false arrest.
9. ( ) Insurance indemnity, contract, and other diversity cases.
10. ( ) Government Collection Cases (shall include HEW Student Loans (Education), VA Overpayment, Overpayment of Social Security, Enrollment Overpayment (Army, Navy, etc.), HUD Loans, GAO Loans (Misc. Types), Mortgage Foreclosures, S.B.A. Loans, Civil Penalties and Coal Mine Penalty and Reclamation Fees.)

I certify that to the best of my knowledge the entries on this Case Designation Sheet are true and correct.

Date: 6/22/05
  
 ATTORNEY AT LAW

NOTE: ALL SECTIONS OF BOTH SIDES MUST BE COMPLETED BEFORE CASE CAN BE PROCESSED.